

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**JENNIE COURTNEY,
AS ADMINISTRATRIX OF THE
ESTATE OF DENNIS COURTNEY,
DECEASED,**

PLAINTIFF,

v.

ANTHONY CLARK, et al.

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**CIVIL ACTION NO.:
2:06-CV-00600-MHT
(Removed from the Circuit Court of
Covington County, AL; CV-06-110)**

INTERROGATORIES

1. State in detail and chronologically what knowledge you have about the incident that made the basis of this suit.

RESPONSE:

I first became aware of the incident when I received the Summons on June 7, 2006. I have no other knowledge other than what is contained in the court documents.

2. Please identify each person(s) answering or responding to these interrogatories, including, name, business address, and any positions that these may hold with this defendant.

RESPONSE:

I.E. Newton, III

P.O. Box 550

Moody, AL 35004

President, Black Creek Integrated Systems Corp.

3. Please identify your position including but not limited to your role, job description, duties and/or responsibility with regard to the Covington County jail facility in Covington County, Alabama.

RESPONSE:

President of Black Creek Integrated Systems Corp.

Responsible for administrative oversight of the project.

4. Please identify the person or entity responsible for enforcing such safety procedures as referenced in interrogatory # 4, including their name, address, any position they may hold at the Covington County jail facility in Covington County, Alabama and a detailed description of each such person's role, job description, duties and/or responsibilities regarding the Covington County jail facility in Covington County, Alabama.

RESPONSE:

Circular reference, unable to reply

5. State the name and last known address of each person known to you who has any knowledge regarding the facts and circumstances surrounding the incidents referred to in the Complaint.

RESPONSE:

See Initial Disclosures. Additionally, our attorneys and insurance company representatives.

6. State in detail and chronologically what knowledge you have concerning the incidents that made the basis of this lawsuit.

RESPONSE:

See response to Item No. 1.

7. Please identify with specificity any and all civil lawsuits that you may have been involved in as a party.

RESPONSE:

This information is contained in electronic file named “Civil Lawsuits” included with other files that have been produced as requested.

8. State the identity of every person, firm, business and/or corporation who inspected and/or approved the work performed by this Defendant on the Covington County jail facility project located in Covington County, Alabama.

RESPONSE:

Hollis & Spann

Willo Products, Inc.

Seymour & Lisenby

9. For each time the facility was inspected, please provide the following:
- a. The name of the regulatory authority;
 - b. The date of the inspection;
 - c. The reason for the inspection;
 - d. The results of the inspection;
 - e. Attach true and correct copies of any reports you received from the regulatory authority before or after the inspection;
 - f. Attach true and correct copies of any drafts of responses or proposed responses to the regulatory authorities regarding their inspection;

- g. Attach true and correct copies of any responses sent to the regulatory authorities or anyone else affiliated with the Covington County jail facility in Covington County, Alabama.

RESPONSE:

Hollis & Spann - 5/5/95 – Review Of Black Creek Engineering Submittal – Approved

Willo Products, Inc. – 5/18/95 - Review Of Black Creek Engineering Submittal – Approved

Willo Products, Inc. - 3/23/96 – Inspection Punchlist

Seymour & Lisenby - Review Of Black Creek Engineering Submittal – Approved As Noted.

Additional documentation requested is contained in electronic files that have been produced as requested.

6. Do you contend that the acts of any person, firm or corporation other than you in any way caused and/or contributed to the incidents made the basis of this lawsuit? If so, please state the full name and address of such other entity and describe in detail the act or acts of such entity which you contend caused and/or contributed to the subject incident, namely the escape of inmates Oscar Roy Doster and James Darren Harnage.

RESPONSE:

We currently have insufficient knowledge of the incident to be able to form an opinion based on facts as to the cause of the escapes. I understand anecdotally that

these same two inmates had previously escaped from the same jail in an identical fashion and were alleged to have committed murder of another individual. If this is indeed the case, I would contend, as I believe anyone knowledgeable in corrections would also contend, that the escape was the result of insufficient oversight of inmates known to be escape-prone and violent. This belief is further reinforced by the fact that Black Creek had previously expressed its concern in writing to the jail administrator about inmates having unrestricted access to the room housing the facility's security electronics headend equipment room.

7. State in detail and with specificity this Defendant's involvement in the Covington County jail facility project located in Covington County, Alabama.

RESPONSE:

Assembled and installed jail security system pursuant to subcontract with Willo Products dated 3/20/95.

8. Identify the name of the insurance carrier providing liability insurance coverage for you in this case, including in your answer the complete policy number of each such insurance policy and the limits of coverage of any such insurance policy or policies.

RESPONSE:

Previously provided by Bert Taylor 10/10/06.

9. Identify the name of any excess insurance carrier providing excess liability insurance coverage for you in this case, including in your answer the complete policy number of each such insurance policy and the limits of coverage of any such excess liability insurance policy or policies.

RESPONSE:

Penn National Insurance

Policy No. UL9003332401

\$5,000,000.00

10. Please identify each person from whom you or any person or entity acting on your behalf has obtained a statement regarding the incident made the basis of this suit, whether such statement be written or oral, signed or unsigned, including their name, business address, any position they may hold with this defendant and a detailed description of each such person's role, job description, duties and/or responsibilities regarding the Covington County jail facility project and the date said statement was obtained.

RESPONSE:

None

11. State the name and last known address of each person known to you who has any knowledge whatsoever regarding the facts and circumstances surrounding the incident referred to in the Complaint.

RESPONSE:

None, other than the jail personnel.

12. Respective to each person employed by you who worked on the Covington County jail facility project located in Covington County, Alabama please state their name, last known address and telephone number, job title or capacity, professional degree or license held, length of employment noting the date of resignation or dismissal and indicating circumstances of termination.

RESPONSE:

**Brian Watson 350 Lot 64 Belle Vista MHP Pelham AL 35124 Drafter
Jay Northcutt 433 County Road 152 Jemison AL 35085 Drafter
Larry Hughes 3737 Mountain View Lane Birmingham AL 35223 Engineering
David Russell 2033 Delene Drive Birmingham AL 35214 Field Tech
John Carter 412 W Highbanks Debary FL 32713 Field Tech
Mark Hopper 921 Brian Drive Anniston AL 26201 Field Tech
Sean Wicks 3207 Burchfield Avenue Orlando FL 32812 Field Tech
Timothy Wilder 2774 Martin Luther King Road Aliceville AL 35442 Field Tech
Bentley Griffith 216 West Cliff Drive Birmingham AL 35226 Programmer
Bill Emmons 42833 Pine Grove Road Bay Minette AL 36507 Programmer
JoAnn Eberlein 1304 27th Place South, Apt A6 Birmingham AL 35205 Programmer
Kevin Osvath 803 8th Circle North Pell City AL 35125 Programmer
Robert Heatherly 1525 Pine Tree Drive Birmingham AL 35235 Programmer
Scott Hollifield 2310 Highland Avenue, Apt B-2 Birmingham AL 35205 Programmer
Tama Salem 1105 Beacon Crest Circle Birmingham AL 35210 Programmer
Todd Simmons 2274 Richmond Circle Pelham AL 35124 Programmer
Wendi Schoen 217 Rena Drive Springville AL 35146 Programmer
Mike Delaplane 416 Chickasaw Lane Trussville AL 35173 Project Manager
Chad Nielsen 6337 Stonehaven Lane Pinson AL 35126 Shop
Chris Chappell 3900 County Road 12 Odenville AL 35120 Shop
George Moss 8801 Lakeridge Terrace Pinson AL 35126 Shop
Jimmie Marks Deceased Shop
Michael Horsley 944 St. Andrews Parkway Oneonta AL 35121 Shop
Randy Ingram 3979 Logan Martin Dam Road Cropwell AL 35054 Shop
Ray Walker Deceased Shop**

13. Identify the owner of your business and include their contact information.

RESPONSE:

L.E. Newton, III, President, 62.5% Shareholder

P.O. Box 550 Moody, AL 35004

(205)640-1900

L.A. Hughes, Vice President, 37.5% Shareholder

P.O. Box 550 Moody, AL 35004

(205)640-1900

14. How many times has your place of business been investigated and/or inspected by any regulatory authority.

RESPONSE:

Once

15. For each time your place of business was investigated and/or inspected, please provide the following:

- a. The name of the regulatory authority;
- b. The date of the investigation and/or inspection;
- c. The reason for the investigation and/or inspection;
- d. The results of the investigation and/or inspection;
- e. Attach true and correct copies of any reports you received from the regulatory authority before or after the investigation or inspection;
- f. Attach true and correct copies of any drafts of responses or proposed responses to the regulatory authorities regarding their investigation and/or inspection.
- g. Attach true and correct copies of any responses sent to the regulatory authorities by you or anyone else affiliated with the Covington County jail facility located in Covington County, Alabama.

RESPONSE:

- a. FBI**
- b. 1993-1994**
- c. Allegations of solicitation of kickbacks from contractors by county employees and consultants during construction of the Mecklenberg County Jail North Project, Charlotte, NC.**

- d. Indictment of county project manager and consultant.**
- e. None received.**
- f. No drafts prepared.**
- g. A Summary of responses is contained in electronic file named “Investigations –Summary of Responses” included with other files that have been produced as requested.**

REQUESTS FOR PRODUCTION

1. Produce copies of any and all contracts of insurance, contracts of indemnity, third party indemnity agreements, which in any way provide insurance coverage or indemnification to you, for the events made the basis of this lawsuit.

RESPONSE:

This information is contained in electronic file named “Insurance Policies” included with other files that have been produced as requested.

2. Produce true and correct copies of any and all documents pertaining to or reflecting upon in any manner the relationship between or among this Defendant and any other Defendant to this lawsuit at any time during the existence of this Defendant.

RESPONSE:

This information is contained in electronic files that have been produced as requested.

3. Any video monitoring/surveillance tapes of the Covington County jail facility located in Covington County, Alabama.

RESPONSE:

None in our possession.

4. A list of all employees employed by your place of business for the twelve (12) months preceding and following your companies involvement in the Covington County jail facilities' planning, designing and/or construction.

RESPONSE:

See response to Interrogatory No. 16.

5. A copy of your companies policies and procedures manual.

RESPONSE:

Company does not have a policies and procedures manual.

6. All licenses, licensing requirements, certificates, certifications, and/or awards for the Defendant and any of its Directors, Employers, Employees or Owners.

RESPONSE:

This information is contained in electronic file named "Licenses" included with other files that have been produced as requested.

7. All advertisements, descriptive brochures, pamphlets, press releases, television commercials or infomercials, newspaper or magazine articles, or other documents used by the Defendant to advertise, inform or educate the general public or professionals of the services offered by the Defendant for the past five (5) years.

RESPONSE:

This information is contained in electronic file named "Marketing" included with other files that have been produced as requested.

8. Produce a true, correct and complete copy of any and all documents in this Defendant's possession, custody or control regarding the Covington County jail facility project located in Covington County, Alabama.

RESPONSE:

This information is contained in electronic files that have been produced as requested.

9. Produce a true, correct and complete copy of any and all documents upon which you or your counsel relied to answer the preceding interrogatories.

RESPONSE:

This information is contained in electronic files that have been produced as requested.

10. Produce a true, correct and complete copy of any and all contracts, correspondence, memoranda, e-mails, estimates, bids, plans, invoices or any other documents by or between this Defendant and any other Defendant, regarding the Covington County jail facility project located in Covington County, Alabama.

RESPONSE:

This information is contained in electronic files that have been produced as requested.

11. Produce a true, correct and correct copy of any citations and/or penalties imposed on this Defendant as a result of the incident made the basis of this suit by any regulatory or law enforcement agency.

RESPONSE:

None have been imposed.

12. Produce a true, correct and complete copy of any investigative report produced by any regulatory or law enforcement agency as a result of the incident made the basis of this lawsuit.

RESPONSE:

If any exist, we have no knowledge of them.

13. Produce a true, correct and complete copy of any and all electronic e-mail files, word processing files, spreadsheet files, and any other electronic files in this Defendant's possession, custody or control regarding or relating to the Covington County jail facility project located in Covington County, Alabama.

RESPONSE:

This information is contained in electronic files that have been produced as requested.

**BLACK CREEK INTEGRATED
SYSTEMS CORP.**

By: I.E. Newton, III, President

Subscribed and sworn before
me this _____ day of _____, 2007.

Notary Public, State of Alabama
My commission expires _____

As to objections:

Bert P. Taylor (TAY004)

OF COUNSEL FOR DEFENDANT:
BLACK CREEK INTEGRATED
SYSTEMS CORP.

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Orange Beach, AL 36561

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the above pleading on all counsel and/or parties listed below by placing a copy in the United States Mail and placing proper postage upon same:

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103 Wisteria Way
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P.O. Box 126
Dadeville, AL 36853-0126

I hereby certify service on this the ____ day of February, 2007.

s/ Bert P. Taylor

Of Counsel